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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHAWN D. BAKER,

Petitioner,

v.

GUY HALL,

Respondent.

Case No. 05-1081-HO


ORDER DISMISSING HABEAS CORPUS
PETITION

This matter having come before the Court on the motion of the Respondent to dismiss the habeas corpus petition.

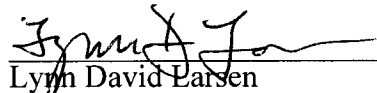
IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus is dismissed without prejudice. In the event that the decision in *Blakely v. Washington*, 124 S.Ct. 2531 (2004), is later made retroactive to cases on collateral review, Petitioner has leave to reopen this case only as to the *Blakely* issues, and the limitations period shall be deemed tolled from June 22, 2005, until sixty days after the date of the decision rendering *Blakely* retroactively applicable. If *Blakely* is made retroactive and the Petitioner moves to reopen this case during the above-

referenced sixty-day period, Petitioner may also amend the Petition as of right only as to properly plead all *Blakely*-based claims in this Court.

IT IS SO ORDERED this 22nd of March, 2006.


The Honorable Michael R. Hogan
U.S. District Judge

Submitted by:



Lynn David Larsen
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that on March 16, 2006, I served the foregoing ORDER DISMISSING
HABEAS CORPUS PETITION upon the parties hereto by the method indicated below, and
addressed to the following:

Shawn D. Baker
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Two Rivers Correctional Institution
82911 Beach Access Road
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☐ HAND DELIVERY
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